

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** HILLVIEW NO. 72

**DATE:** September 15, 2004

Approved

Date

9.20.04

**COUNCIL DISTRICT:** 5

## RECOMMENDATION

It is recommended that the City Council adopt a resolution ordering the reorganization of territory designated as Hillview No. 72 which involves the annexation to the City of San Jose of 0.18 gross acres of land located at the on the northwest corner of Story Road and Lyndale Avenue and adjacent to the City of San Jose annexations Hillview Nos. 11 and 62 and the detachment of the same from Central Fire Protection, Area No.01 (Library Services) County Services, County Lighting Services and County Sanitation District 2-3.

## BACKGROUND

On September 7, 2004 the City Council adopted Zoning Ordinance 27245 which rezoned the subject property from County to A(PD) Planned Development Zoning District.

The proposed annexation consists of a parcel of land identified as Assessor's Parcel Number 484-32-133 and the detachment from Central Fire Protection, Area No.01 (Library Services) County Services, County Lighting Services and County Sanitation 2-3.

## ANALYSIS

The reorganization is defined as 100 percent consent, since the property owner of the parcel signed the annexation petition. The site consists of a discreet 0.18 acres developed parcel. The Registrar of Voters has certified that there is no registered voter in the affected area of the reorganization.

The proposed annexation would facilitate development and intensification of the site with non-residential/offices uses on land that is within the City's Urban Service Area (USA). This parcel is surrounded by City territory to the south, west, and County territory to the north and east. The proposed reorganization and annexation of the subject site conforms overall to the City's General Plan strategies and policies and Santa Clara County LAFCO policies in that existing and future urban development should take place within cities.

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Proceedings are being conducted under provisions of the California Government Code Section 56826, which grants the City conducting authority and allows the completion of reorganization in Santa Clara County without Local Agency Formation Commission (LAFCO) approval.

Before approving the reorganization proposal, the City Council is required to make certain findings as listed below. Staff comments follow each finding.

1. The unincorporated territory is within the City's Urban Service Area as adopted by LAFCO. *The site is located within the City's Urban Service Area.*
2. The County Surveyor has determined the boundaries of the proposal to be definite and certain and in compliance with LAFCO Annexation Policies. *The County Surveyor has certified the boundaries of the reorganization.*
3. The proposal does not split lines of assessment or ownership. *All affected parcel(s) are being reorganized in their entirety.*
4. The proposal does not create islands or areas in which it would be difficult to provide municipal services. *No such islands are being created. The completion of reorganization proceedings would result in the reduction of a pocket of unincorporated territory.*
5. The proposal is consistent with the City's adopted General Plan. *The proposed annexation is consistent with the City's adopted policy within the General Plan, as well as LAFCO and the County of Santa Clara policy in that existing and future urban development be located within cities.*
6. The territory is contiguous to existing City limits. *The area proposed to be reorganized is contiguous to the City limits along two sides as shown on the attached map.*
7. The City has complied with all conditions imposed by LAFCO for inclusion of the territory in the City's Urban Service Area. *No such conditions have been imposed.*

### **PUBLIC OUTREACH**

Notices of the public hearings for the rezoning (PDC04-022) were mailed to all property owners and tenants within 500 feet of the project site. Notice of the public hearings was also published in the newspaper.


### **COORDINATION**

As standard procedure in the development review process, this project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, Finance Department and the City Attorney.

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**CEQA**

Mitigated Negative Declaration adopted on August 11, 2004.

  
*for* **STEPHEN M. HAASE, DIRECTOR**  
Planning, Building and Code Enforcement

Attachments: Legal Description and Annexation Map

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SS



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February 6, 2004  
HMH 3277-00-130  
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EXHIBIT "A"  
ANNEXATION TO THE CITY OF SAN JOSE  
HILLVIEW NO. 72

REAL PROPERTY in the Unincorporated Area, County of Santa Clara, State of California, being all of Lot 230 and a portion of Lyndale Avenue as shown on that certain Map of Tract 1007, filed for record on July 7, 1952, in Book 38 of Maps, pages 37 through 41, Santa Clara County Records, more particularly described as follows:

BEGINNING at the most westerly corner of said Lot 230, being on the northeasterly City Limits Line of the City of San Jose as established by City's Annexation Hillview No. 62;

Thence along the northwesterly line of said Lot 230, North 53°51'10" East, 96.00 feet to the northeasterly line of said Lot 230, also being the southwesterly line of Lyndale Avenue (60.00 feet wide);

Thence along said northeasterly line South 36°08'50" East, 38.85 feet;

Thence North 53°51'10" East, 60.00 feet, to the northeasterly line of Lyndale Avenue, being the southwesterly line of Lot 304 of said Map;

Thence easterly along said southwesterly line, along a non-tangent curve to the left, having a radius of 20.00 feet, whose center bears North 53°51'10" East, through a central angle of 94°21'10" for an arc length of 32.94 feet, to the southeasterly line of said Lot 304, being the northwesterly line of Story Road and being on the northwesterly City Limits Line of the City of San Jose as established by City's Annexation Hillview No. 11;

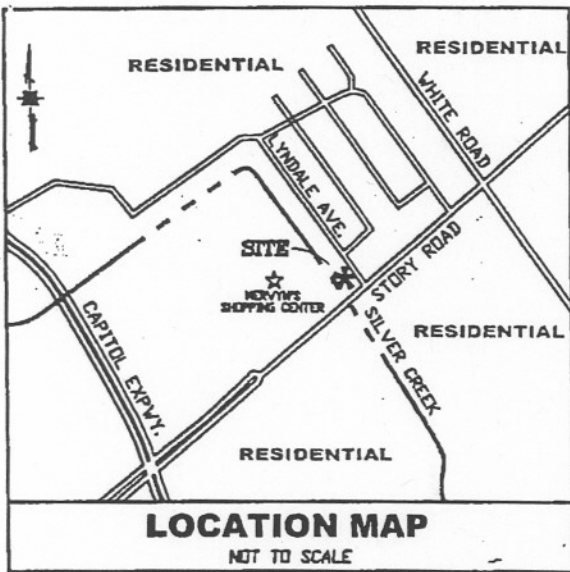
Thence along said northwesterly line, South 49°30'00" West, 178.03 feet to the southwesterly line of said Lot 230, being on the northeasterly City Limits Line of the City of San Jose as established by City's Annexation Hillview No. 62;

Thence along said southwesterly line, North 36°08'50" West, 72.30 feet to the POINT OF BEGINNING.

Containing 8,124 square feet, more or less.

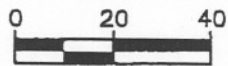
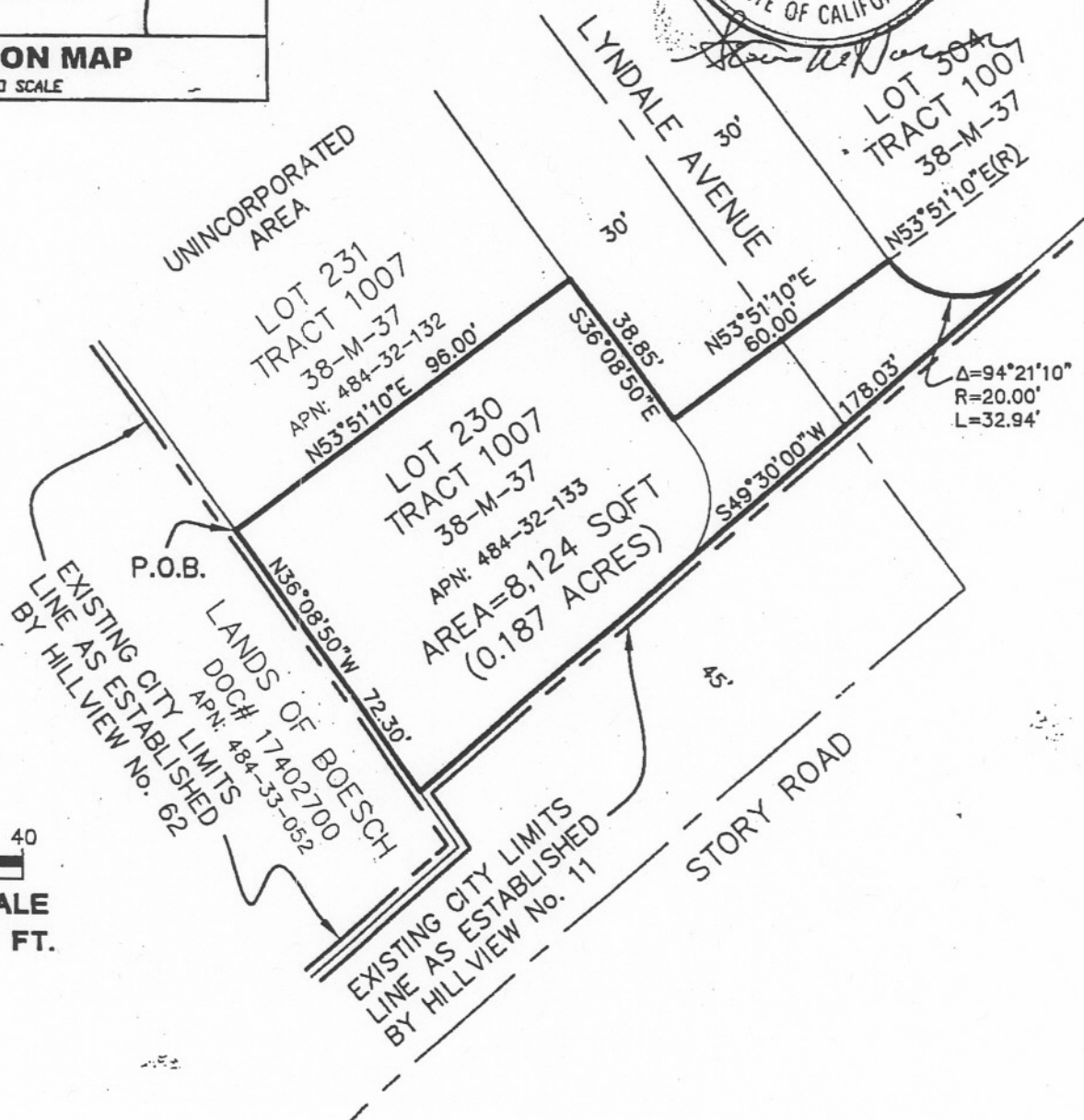






**LEGEND**

- PROPOSED ANNEXATION BOUNDARY LINE
- - - - - EXISTING SAN JOSE CITY LIMITS LINE



**GRAPHIC SCALE**  
1 INCH = 40 FT.

Date: 02-06-04  
Scale: 1" = 40'  
Designed: -  
Drawn: AH  
Checked: JM



San Jose  
(408) 487-2200  
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**EXHIBIT B**  
**PROPOSED ANNEXATION TO THE CITY OF SAN JOSE**  
**HILLVIEW NO. 72**